WP(C) 3579/2007
BEFORE
HON'BLE JUSTICE B.K. SHARMA

Heard Mr. A. Rashid, learned counsel for the petitioner and Mr. H. Ali, learned counsel for the respondent No. 4. I have also heard Ms. R. Chokraborty, learned State counsel.

The petitioner is aggrieved by the order dated 01.03.07 passed by the Assam Board of Revenue in case No. 1 RA(G)/REV/2006 (in 170 RA(G)/05) by which the prayer of the petitioner for review of the order dated 17.01.06 was dismissed. The appeal was preferred against the order dated 23.08.05 by which the Addl. Deputy Commissioner (R), Goalpara cancelled his earlier order dated 02.08.05 fixing the boundary of Dag No. 99 (old), 134 (old) and 108, 109 (old) pertaining to 15/65 Garua Kamarpota Fishery. The order dated 23.08.05 (Annexure-5) was passed in cancellation of the earlier order dated 02.08.05 (Annexure-4) which according to the petitioner was in complete violation of the principles of natural justice.

The aforesaid appeal against the said order dated 23.08.05 was disposed of by order dated 17.01.06. The appeal had become infructuous in view of expiry of the lease period. The petitioner wanted review of the said order in view of the fact that the fishery has once again been settled with him. The Board of Revenue has dismissed the review petition holding that since the appeal was disposed of as per the submission made by the learned counsel for the parties, there is no question of review of the said order.

Annexure-5 order dated 23.08.05 is quoted below:

> This Office order issued vide Memo No. GRF. 1/95-Pt./89 dated 02.08.05 in respect of the boundaries of Dag No. 99 (old) 134 (old) and 108, 109 (old) pertaining to 15/65 Garua Kamarpota Fishery is hereby cancelled on the basis of W.T. Message No. MCR 15/95/1109 dated 04.08.05 furnished by the Asstt. Settlement Officer, Matia Circle till then and until further orders .

The petitioner preferred the appeal against the aforesaid order. The order quoted above reveals that the same was passed by the ADC (R), Goalpara until further order. If that be so, the matter has not attained its finality.

In view of the above, I dispose of this writ petition with a direction to the said ADC (R), Goalpara to resolve the issue after hearing the interested parties. The petitioner may obtain the certified copy of this order and produce the same to the said ADC (R) for disposal of the matter in accordance with law. The ADC (R) shall decide the matter as expeditiously as possible preferably within one month from the date of furnishing the certified copy of this order. Till disposal of the writ petition, the fishing right of the petitioner, if any within his boundary, shall not be disturbed.